

### **REMARKS**

This responds to the Office Action mailed on June 7, 2006, and the references cited therewith.

Claims 9, 17, 25, 31, 37, and 43-45 are amended, claims 13, 21, 27, 33, and 39 are canceled, and no claims are added; as a result, claims 1-3, 5-7, 9-12, 14-20, 22-26, 28-32, 34-38, and 40-51 are remain pending in this application.

#### **§101 Rejection of the Claims**

Claim 44 was rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Claim 44 has been amended. The amendment to claim 44 does not add any new matter and is not intended to affect the scope of the claim. Rather, the amendment is made to merely clarify the claimed subject matter. Withdrawal of the 35 U.S.C. § 101 rejection is requested.

#### **§103 Rejection of the Claims**

Claims 1-3 and 5-7 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Coad et al. (U.S. 6,851,107; hereinafter "Coad") in view of Takano (U.S. 6,591,152; hereinafter "Takano") in view of Pruitt (U.S. 6,179,490; hereinafter "Pruitt"). Applicant respectfully traverses the rejection of claims 1-3 and 5-7 in view of the arguments previously submitted. Applicant further traverses the rejection of claims 1-3 and 5-7 because the proposed combination of references is based on an improper *prima facie* showing of obviousness under 35 U.S.C. § 103(a).

For example, in combining Coad and Takano, the Office Action states on page four:

"It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the method of Coad to a system for controlling semiconductor equipment used to process a Lot of semiconductor wafers, such as suggest by Takano."

However, this is a conclusory statement of subjective belief. Applicant respectfully submits that this statement, and the cited references, fail to provide a teaching or suggestion to modify Coad to provide the computerized method of claim 1 or to combine Coad with any other reference to model a system for controlling semiconductor equipment to process a Lot of semiconductor wafers as claimed.

Further, it appears the reason Takano was chosen for the asserted combination was merely the fact that Takano includes the key words “semiconductor fabrication system.” Takano, page 8, lines 3-4. However, the cited portions of Takano fail to disclose modeling a system. Takano merely provides a control system that might be used to control a semiconductor fabrication system through modification of parameters. Although Coad describes a graphical software development tool and Takano describes a control system, the only linking of Coad to Takano is via Applicant’s claims. There is no suggestion or motivation within Coad or Takano, or the other cited references, to make the combination asserted combination. Absent such a teaching or suggestion, the *prima facie* showing of obviousness is improper.

Pruitt is provided for the purposes of illustrating IF-THEN-ELSE statements. However Pruitt fails to cure the deficiencies of Coad and Takano. For example, Pruitt fails to provide a suggest or motivation to combine Coad and Takano.

Thus, Applicant respectfully requests withdrawal of the 35 U.S.C. § 103(a) rejection of claims 1-3 and 5-7.

Claims 9-12, 14, 15, 17-20, 22, 23, 25, 26, 28, 29, 31, 32, 34, 36-38, 40, 41 and 43-51 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Coad in view of Gupta et al. (U.S. 5,825,651; hereinafter “Gupta”).

Independent claims 9, 17, 25, 31, and 37 have been amended to incorporate dependent claims 13, 21, 27, 33, and 39, respectively, which are now cancelled. Also, independent claims 43-45 have been similarly amended. Thus, the amended independent claims 9, 17, 25, 31, 37, and 43-45 now provide at least that the feature diagram models a system for controlling semiconductor fabrication equipment.

The cited references, Coad and Gupta, fail to teach or suggest that the feature diagram models a system for controlling semiconductor fabrication equipment. However, the cancelled dependent claims 13, 21, 27, 33, and 39 were rejected in view of Pruitt. The motivation provided to combine Pruitt with Coad, as discussed above, is improper. Thus, for the sake of brevity, please refer to the arguments above regarding Pruitt. Gupta fails to cure the deficiencies of the combination of Coad and Pruitt. Thus, Applicant respectfully submits that amended independent

claims 9, 17, 25, 31, 37, and 43-45 are patentable. Allowance of the claims is earnestly requested.

Claims 10-12, 14-15, 18-20, 22-23, 26, 28-29, 32, 34-34, 36, 38, 40-41, and 46-51, depend directly or indirectly, from patentable independent claims 9, 17, 25, 31, and 37 and are allowable for at least the same reasons.

Claims 13, 16, 21, 24, 27, 30, 33, 35, 39, and 42 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Coad in view of Gupta., as applied to claims 9, 17, 25, 31 and 37 above, respectively, and further in view of Takano.

As mentioned above, claims 13, 21, 27, 33, and 39 are cancelled. The rejection of the remaining claims 16, 24, 30, 35, and 42 is based on the combination of Takano with Coad and Gupta, which as discussed above is an improper combination of references. Thus, because the combination of references is improper and because claims 16, 24, 30, 35, and 42 depend from patentable independent claims 9, 17, 25, 31, and 37, Applicant respectfully submits the claims 16, 24, 30, 35, and 42 are also patentable. Notification to that effect is earnestly requested.

**CONCLUSION**

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (210) 308-5677 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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**CERTIFICATE UNDER 37 CFR 1.8:** The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 7 day of September 2006.

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